

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CRAIG KINARD, :
Plaintiff :
v. : Case No. 3:13-cv-142-KRG-KAP
CORRECTIONS OFFICER STRECZYWILK, :
CORRECTIONS OFFICER PAULSON, :
Defendants :

Memorandum Order

This matter was referred to Magistrate Judge Keith A. Pesto for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Local Rule 72 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on February 23, 2016, docket no. 40, recommending that the defendants' motion for summary judgment, docket no. 35, be granted and in the alternative that the complaint be dismissed for failure to prosecute. The parties were notified - plaintiff at his given address - that pursuant to 28 U.S.C. § 636(b)(1), they had fourteen days to file written objections to the Report and Recommendation.

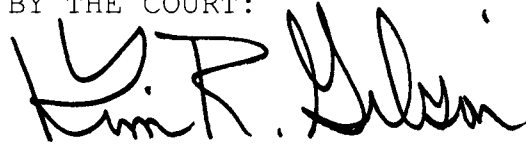
The Report and Recommendation sent to plaintiff at the address he provided was returned by the United States Postal Service as "refused-released" and "unable to forward." The Pennsylvania Department of Corrections inmate locator website indicates that plaintiff is at S.C.I. Somerset but under a new inmate number, indicating that the plaintiff's previous sentence expired and he is now being held under a new number on a different sentence. It is plaintiff's responsibility to keep the Clerk advised of his address, which includes his correct inmate number.

After de novo review of the record of this matter and the Report and Recommendation, the following order is entered:

AND NOW, this 17th day of March, 2016, it is

ORDERED that the defendants' motion for summary judgment, docket no. 35, is granted. The Report and Recommendation on the summary judgment issue is adopted as the opinion of the Court. There is no need to discuss dismissal as a sanction for failure to prosecute. The Clerk shall mark this matter closed.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE

Notice to counsel of record by ECF and by U.S. Mail to:

Craig Kinard LV-4606
S.C.I. Somerset
1600 Walters Mill Road
Somerset, PA 15510